

## **REMARKS**

### **Request for Republication of Application**

Applicant has submitted concurrently herewith a request that the patent office republish the subject application. The Patent Office erroneously published the English language translation of the German priority document as U.S. Patent Application Publication No. 2005/0053198 A1 on March 10, 2005. Accordingly, Applicant requests that the Patent Office republish the application based on the original U.S. Patent Application No. 10/764,345 filed January 23, 2004.

### **Amendments to the Specification**

Applicant has amended the specification to clarify the feature of an examination table 17 that is releasably secured to the U-bow 1 and replaceable by an alternate examination table 7 that is independent of the movements of the U bow 1. The original application adequately supports that subject matter. For example, the original specification recites that feature on page 12, lines 5-7; and page 7, lines 8-9. Additionally, the original specification recites the features of the alternate examination table on page 4, lines 2-10; and page 5, line 11 to page 6, line 2. No new matter has been added.

### **Amendments to the Drawings**

Applicant has submitted concurrently herewith a request to amend the drawings to illustrate the examination table 17 that is releasably secured to the U-bow 1. The original specification supports those amendments by describing the releasably secured examination table on page 12, lines 5-7; and page 7, lines 8-9. No new matter has been added.

### **Amendments to the Claims**

After entry of the amendments presented herein, Claims 1-32 are pending in the present application, with Claims 1 and 23 being independent. Applicant has amended Claims 1-22 herein. The amendments to the claims place the claims in proper form under U.S. practice, are not made in view of any prior art, and do not narrow the scope of the claims. Applicant also has

added new Claims 23-32 to provide an additional scope of protection commensurate with the original disclosure. No new matter has been added.

*Objections to the Drawings and the Specification*

In the Office Action dated April 20, 2005, the Examiner objected to the drawings for allegedly failing to show every feature of the invention specified in the claims. Specifically, the Examiner stated that the drawings must show an examination table releasably secured to the U-bow and replaceable by an alternate examination table that is independent of the movements of the U-bow. Additionally, the Examiner objected to the specification as allegedly failing to provide proper antecedent basis for the claimed subject matter. Specifically, the Examiner stated that the specification should teach an examination table releasably secured to the U-bow.

In response, Applicant directs the Examiner's attention to the portions of the original application that teach an examination table releasably secured to the U-bow and replaceable by an alternate examination table that is independent of the movements of the U-bow. Specifically, Applicant directs the Examiner's attention to page 12, lines 5-7; and page 7, lines 8-9. Additionally, Applicant has amended the specification herein to recite that feature more clearly, and Applicant has requested permission to amend the drawings to illustrate that feature more clearly. The specification and drawing amendments are fully supported by the original specification sections recited above. No new matter has been added. Accordingly, Applicant requests that the Examiner withdraw the objections to the specification and drawings.

*Claim Rejections Under 35 U.S.C. § 103*

In the Office Action, the Examiner rejected Claims 1-22 under 35 U.S.C. § 103(a) as allegedly being obvious over various combinations of U.S. Patent No. 5,836,898 to Schwieker (hereinafter "Schwieker"); U.S. Patent No. 5,409,002 to Pell (hereinafter "Pell"); and U.S. Patent Application Publication No. 2003/0078523 A1 to Burkhardt et al. (hereinafter "Burkhardt"). Applicant respectfully traverses those rejections.

Independent Claim 1

Applicant submits that the documents cited by the Examiner, either alone or in combination, fail to teach or suggest, at least the features of (1) an examination table releasably secured to the U-bow and replaceable by an alternate examination table that is independent of the movements of the U-bow, or (2) an x-ray source and an image processing device arranged on a U-bow and displaceable relative to the U-bow in a transverse direction, as presently recited in independent Claim 1.

*Examination Table*

Schwieker describes a mobile x-ray unit 100 which can be coupled with a mobile therapy unit 200. Burkhardt describes a medical device with an x-ray system and a lithotripter therapy source. As stated by the Examiner in the Office Action, Schwieker and Burkhardt are “silent about the examination table [releasably] secured to the U-bow and replaceable by an alternate examination table that is independent of the movements of the U-bow.” For the claimed examination table feature, the Examiner cited to Pell.

Pell teaches two tables coupled to each other. A urological table 113a is docked to a lithotripter table 113b. The tables are locked together via a docking latch 112. Table 113a is supported at one end by support 204 and, when docked with table 113b, at the other end by lithotripter unit 127. See column 7, lines 33-46; and Figures 1 and 3. However, neither table 113a or 113b is releasably attached to a U-bow or even any part related to the x-ray unit, and Pell teaches only an examination table which may be connected to a second examination table belonging to a lithotripter unit. Accordingly, Pell fails to teach or suggest an examination table releasably secured to a U-bow and replaceable by an alternate examination table that is independent of the movements of the U-bow, as recited in independent Claim 1 of the present application. Thus, Applicant submits that none of the documents cited by the Examiner, either alone or in combination, teach or suggest at least that feature of the claimed invention.

*An X-Ray Source And An Image Processing Device Displaceable Relative To The U-Bow In A Transverse Direction*

In the Office Action, the Examiner stated that Schwieker teaches the feature of an x-ray source and an image processing device arranged on a U-bow and displaceable relative to the U-bow individually and synchronously in a transverse direction (citing to column 3, lines 50-66 and column 4, lines 42-60). However, the cited specification sections describe only an average lithotripsy combination. Here, as in the whole remaining document, Schwieker does not disclose an x-ray source or an image processing device that are displaceable in a transverse direction relative to the U-bow.

The Examiner also stated that Burkhardt teaches the feature claimed in independent Claim 1 (citing to paragraphs 0034 and 0035). However, Burkhardt does not teach that its x-ray irradiation source 7 and/or x-ray irradiation receiver 8 are displaceable relative to the C-shaped connection element 9. As shown in Figures 9 and 10, Burkhardt teaches only that the source 7 and receiver 8 are movable with (not relative to) the C-shaped unit 9.

Pell also does not teach the claimed feature. Accordingly, Applicant submits that none of the documents cited by the Examiner, either alone or in combination, teach or suggest at least the feature of an x-ray source and an image processing device displaceable relative to the U-bow in a transverse direction.

New Independent Claim 23

Independent Claim 23 recites a feature of an x-ray source and an image processing device displaceable in a transverse direction relative to the U-bow. Accordingly, Applicant submits that independent Claim 23 is allowable for reasons similar to those discussed above with reference to Claim 1.

Summary

For the reasons stated above, Applicant submits that independent Claims 1 and 23 are patentable over the documents cited by the Examiner. Additionally, the remaining claims depend from one of the independent claims either directly or indirectly and are submitted to be

patentable for similar reasons. The dependent claims also recite additional features further defining the present invention over the cited documents, and Applicant submits that the cited documents do not teach or suggest integrating those features into the presently claimed invention. Accordingly, Applicant requests separate and individual consideration of each dependent claim.

Applicant has not addressed each specific rejection of the dependent claims because Applicant submits that the independent claims are allowable over the documents of record. Applicant has not acquiesced to any such rejection and reserves the right to address the patentability of any additional claim features in the future.

### **CONCLUSION**

Applicant submits the foregoing as a full and complete response to the Office Action dated April 20, 2005. Applicant submits that this Amendment and Response places the application in condition for allowance and respectfully requests such action. If any issues exist that can be resolved with an Examiner's Amendment or a telephone conference, please contact Applicant's undersigned attorney at 404.572.5658.

Respectfully submitted,



William O. Isaacs, II  
Reg. No. 44,165

King & Spalding LLP  
45<sup>th</sup> Floor  
191 Peachtree Street, N.E.  
Atlanta, Georgia 30303  
404.572.4600



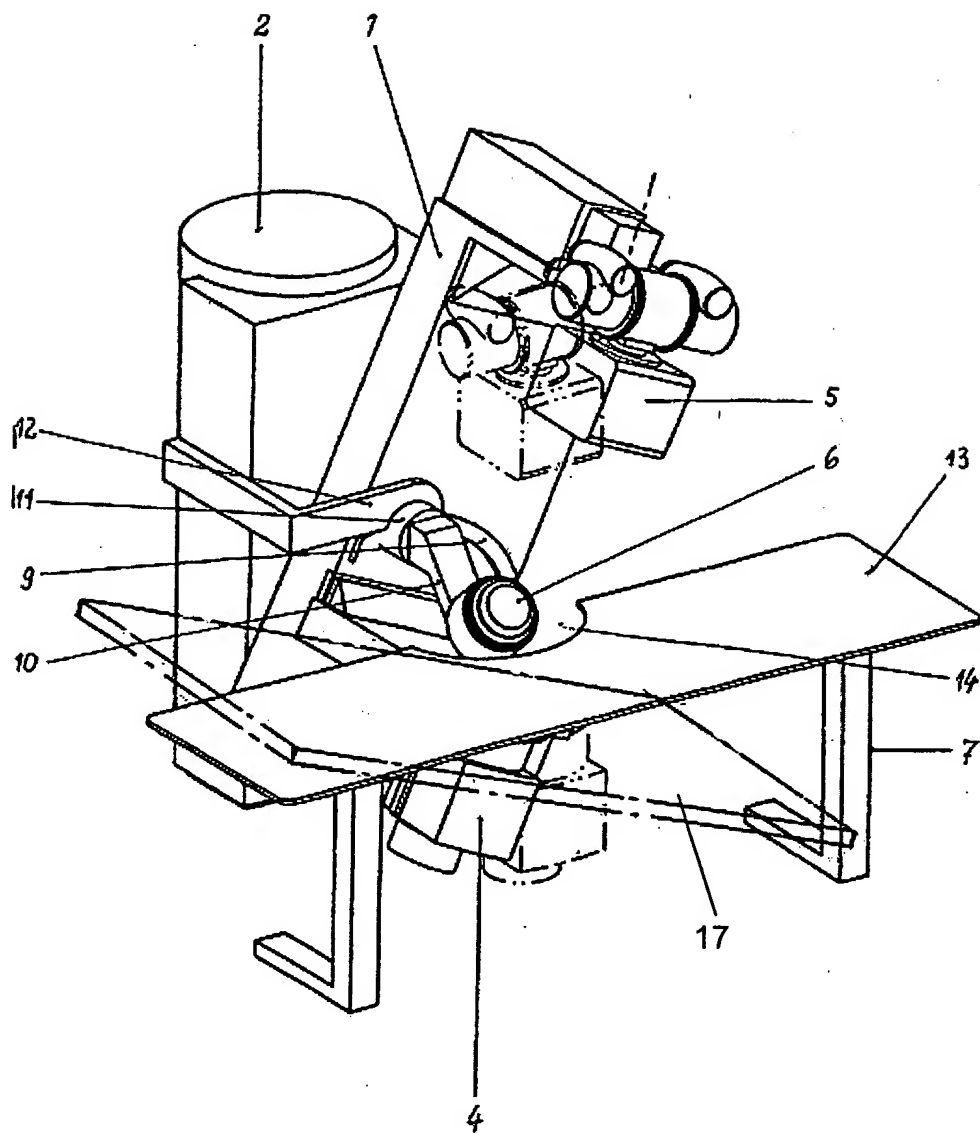


Fig. 3

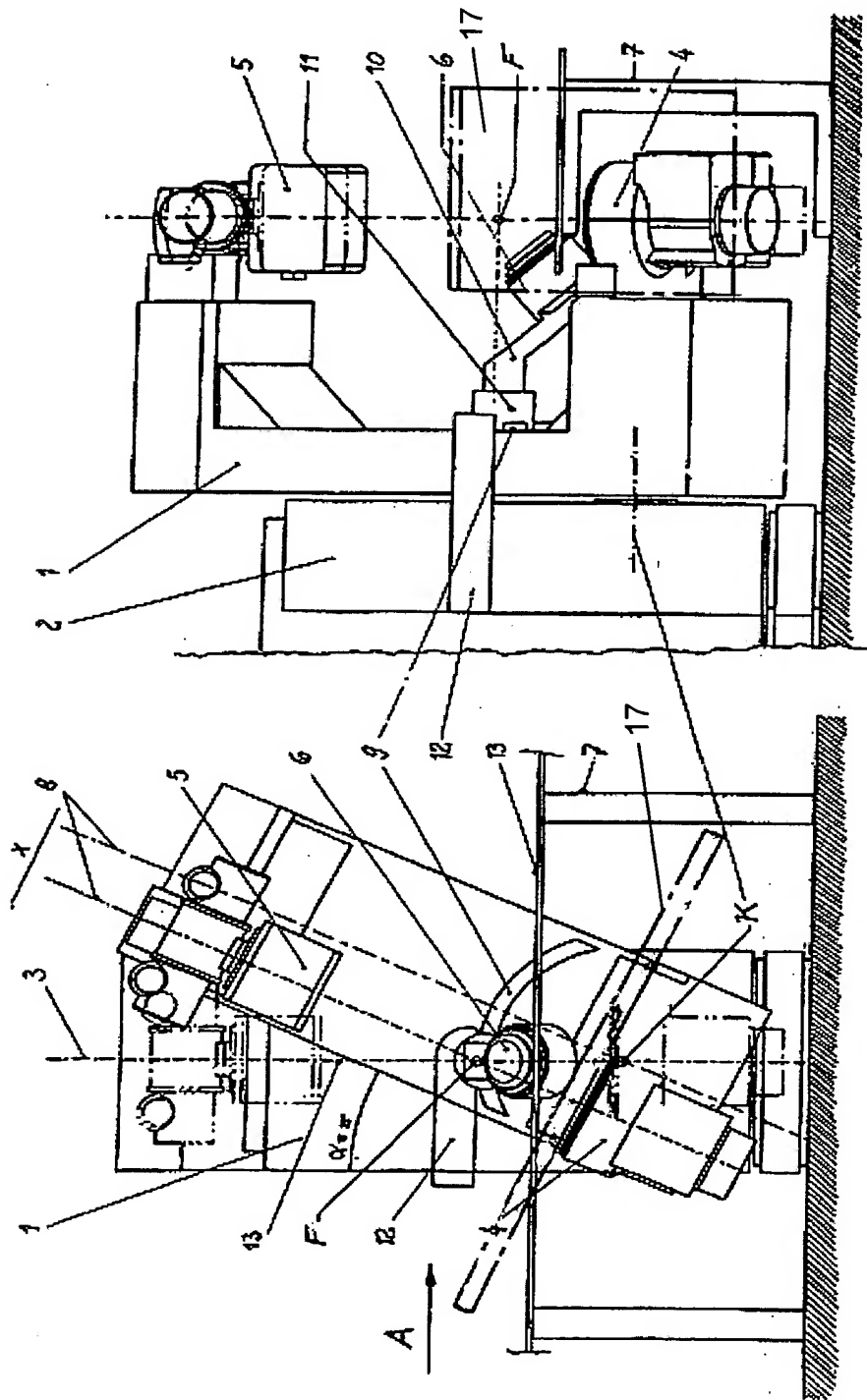


Fig. 2

Fig. 1



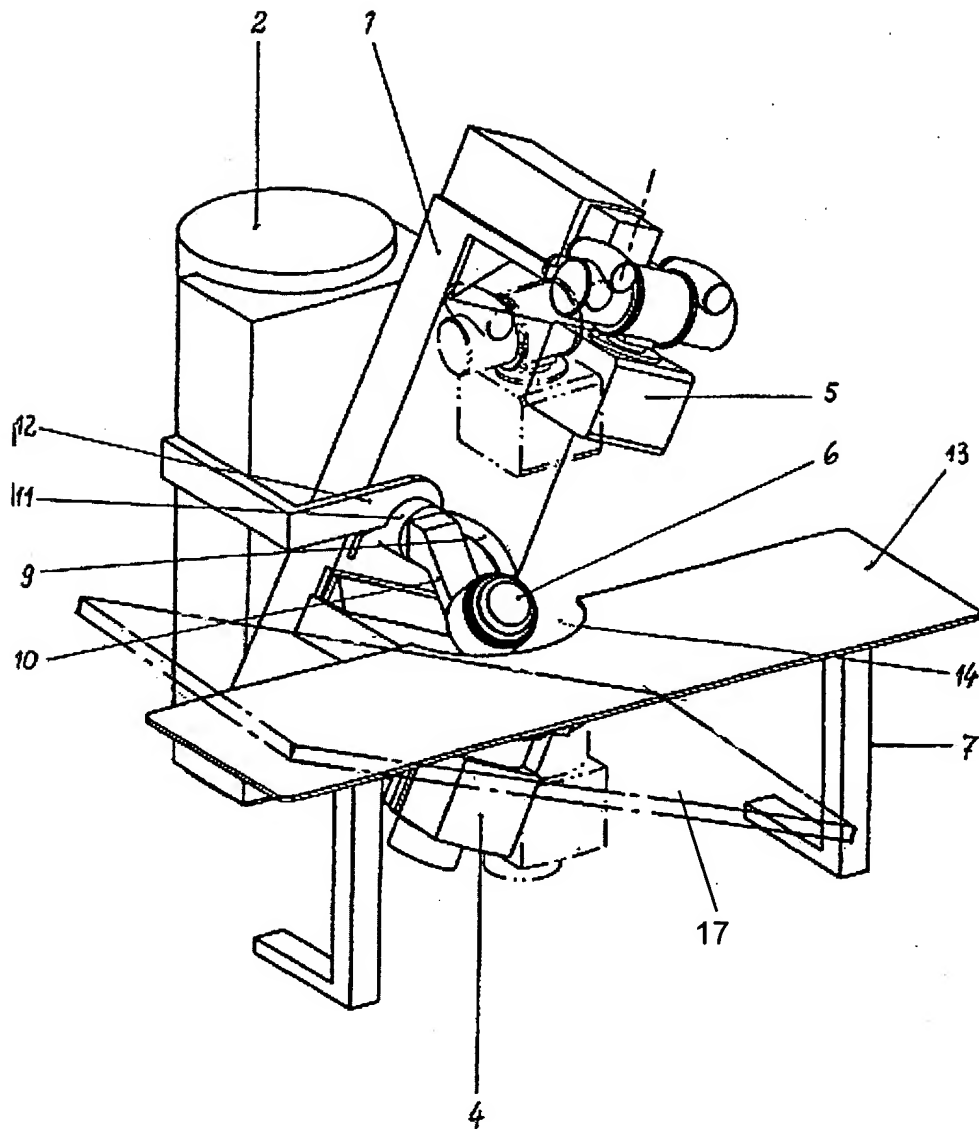


Fig. 3